

REMARKS

Applicants thank Examiner Valenrod for the review of the pending application and for the withdrawal of the rejections under 35 U.S.C. § 103 in view of the Applicants remarks and the declaration by Dr. Venkateswarlu. Claims 1, 2 and 12 and 19 are currently amended, and claim 20 is canceled. No new matter is added.

35 U.S.C. § 112 Rejections

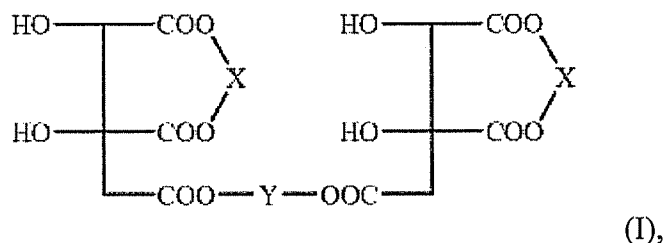
Claims 1-5, 12-16 and 19-20 were rejected under 35 U.S.C. § 112 ¶2 with respect to the term “double metal salt.” Applicants respectfully traverse this rejection. This claim term has been amended to eliminate the word “metal.” Thus, this rejection is now moot, and withdrawal of same is respectfully requested.

35 U.S.C. § 102(b) Rejections

Claims 1, 2 and 19 were rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 6,221,901 (“Shrivastava”). Applicants respectfully traverse this rejection.

Independent claim, as amended, 1 recites:

Double salts of (–)-hydroxycitric acid (HCA) as shown in the general formula I



wherein X and Y are independently selected from metals of group II (IIA & IIB) of the Periodic Table, and wherein X is different from Y. (emphasis added)

As acknowledged by the Examiner, Shrivastava does not disclose a double salt where X and Y are different. Rather, in Shrivastava, both X and Y are both magnesium. See Shrivastava col. 4, lines 32-43; Declaration filed with RCE, paragraphs 4-8. Thus, Shrivastava does not anticipate

claim 1, nor does it anticipate the claims that depend therefrom. Accordingly, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 102(b).

CONCLUSION

Applicants believe that any fee due with this response is identified in an accompanying transmittal. However, if any additional fee is due, please charge our Deposit Account No. 18-0013, under Order No. DAD-0013 from which the undersigned is authorized to draw. To the extent necessary, a petition for extension of time under 37 C.F.R. § 1.136 is hereby made, the fee for which should be charged to such deposit account number.

Dated: December 8, 2009

Respectfully submitted,

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